

ORDINANCE NO. 1384

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA
FINDING THE NECESSITY FOR AND ADOPTING AN EMERGENCY
WATER MANAGEMENT PROGRAM

BE IT ORDAINED by the City Council of the City of La Habra as follows:

SECTION 1. Declaration of Policy. California Water Code Sections 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The City Council of the City of La Habra hereby establishes a comprehensive water conservation program pursuant to California Water Code Sections 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage.

SECTION 2. Findings. The City Council of the City of La Habra finds and determines that a water shortage could exist based upon the occurrence of one or more of the following conditions:

- (A) A general water supply shortage due to increased demand or limited supplies.
- (B) Distribution of storage facilities of Metropolitan Water District of Southern California, the City of La Habra or other agencies become inadequate.
- (C) A major failure of the supply, storage and distribution facilities of the Metropolitan Water District of Southern California, the Municipal Water District of Orange County, or of the City of La Habra occurs.

The City Council of the City of La Habra also finds and determines that the conditions prevailing in State and in the Orange County area require that the water resources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people of the City of La Habra and for the public welfare.

SECTION 3. CEQA Exemption. The City Council of the City of La Habra finds that this Ordinance and actions taken hereafter pursuant to this Ordinance are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to Public Resources Code Section 21080(b)(4) and the California Environmental Quality Act Guidelines Section

15269(c). The City Manager of the City of La Habra is hereby authorized and directed to file a Notice of Exemption as soon as possible following adoption of this Ordinance.

SECTION 4. Application. The provisions of this Ordinance shall apply to all persons, customers, and property served by the City of La Habra.

SECTION 5. Authorization. The City Manager or a designated representative is hereby authorized and directed to implement the provisions of this Ordinance.

SECTION 6. Water Conservation Stages. No customer of the City shall knowingly make, cause, use, or permit the use of water supplied by the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner in excess of the amounts authorized by this Ordinance, or during any period of time other than the periods of time specified in this Ordinance. At no time shall water be wasted or used unreasonably. The following stages shall take effect upon declaration as herein provided.

- (A) STAGE 1 -- VOLUNTARY COMPLIANCE - WATER WATCH. STAGE 1 applies during periods when the possibility exists that the City will not be able to meet all of the demands of its customers. During STAGE 1, all elements of STAGE 2 shall apply on a voluntary basis only.
- (B) STAGE 2 -- MANDATORY COMPLIANCE - WATER ALERT. STAGE 2 applies during periods when the probability exists that the City will not be able to meet all of the water demands of its customers. During STAGE 2, the following water conservation measures shall apply except when reclaimed or recycled water is used:
 - 1. Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on designated irrigation days but not between the hours of 10:00 a.m. and 6:00 p.m. any day. Watering is permitted at any time if a hand-held hose equipped with a positive shut-off nozzle is used, a hand-held faucet-filled bucket of five (5) gallons or less is used, or a drip irrigation system is used. A "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may use water on even numbered days and addresses ending in an odd number may use water on odd numbered days.
 - 2. Agriculture users and commercial nurseries as defined in the Metropolitan Water District Code are exempt from STAGE 2 irrigation restrictions, but

will be required to curtail all non-essential water use. The watering of livestock and irrigation of propagation beds are permitted at any time.

3. Washing of autos, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited except on designated irrigation days between the hours of 6:00 p.m. and 6:00 a.m. the following morning. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Washing is permitted at any time on the immediate premises or a commercial car wash. Further, such washing are exempted from these regulations where health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
 4. Filling or refilling swimming pools, spas, ponds, and artificial lakes is permitted only on designated irrigation days between the hours of 6:00 p.m. and 6:00 a.m. the following morning.
 5. Watering golf courses, parks, schools grounds and recreational fields is not permitted between the hours of 10:00 a.m. and 4:00 p.m., except golf course greens.
 6. The use of water from fire hydrants shall be limited to fire fighting and related activities, for construction activities, or other activities necessary to maintain the health, safety and welfare of the public.
 7. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards.
 8. Restaurants shall not serve water to their customers except when specifically requested.
 9. The operation of any ornamental fountain or similar structure is prohibited.
- (C) STAGE 3 - MANDATORY COMPLIANCE - WATER WARNING. STAGE 3 applies during periods when the City will not be able to meet all the water demands of its customers. During STAGE 3, the following water conservation measures shall apply except when reclaimed water is used:
1. Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on

designated irrigation days and only between the hours of 6:00 p.m. and 6:00 a.m. the following morning. A "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may use water on even numbered days and addresses ending in an odd number may use water on odd numbered days.

2. Agricultural users and commercial nurseries shall use water only between the hours of 6:00 p.m. and 6:00 a.m. the following morning. The watering of livestock and irrigation of propagation beds are permitted at any time.
3. Washing of autos, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by 20%. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
4. Filling or refilling swimming pools, spas, ponds, and artificial lakes is permitted only on designated irrigation days between the hours of 10:00 p.m. and 6:00 a.m. the following morning.
5. Watering golf courses, parks, school grounds and recreational fields is permitted only between the hours of 6:00 p.m. and 6:00 a.m. the following morning, except golf course greens.
6. The use of water from fire hydrants shall be limited to fire fighting and related activities, or other activities necessary to maintain the health, safety and welfare of the public.
7. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards.
8. Restaurants shall not serve water to their customers except when specifically requested.
9. The operation of any ornamental fountain or similar structure is prohibited.

10. All water leaks shall be immediately repaired.
11. New construction meters or permits for unmetered service will not be issued. Construction water shall not be used for earth work or road construction purposes.
12. Exceptions: The prohibited uses of water are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire and other similar emergency services.

(D) STAGE 4 - MANDATORY COMPLIANCE - WATER EMERGENCY. STAGE 4 applies when a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State Water Project, Metropolitan Water District, Municipal Water District of Orange County or City facilities. During STAGE 4, the following water conservation measures shall apply except when reclaimed or recycled water is used:

1. All outdoor irrigation of vegetation is prohibited.
2. Use of water for agricultural or commercial nursery purposes, except for livestock watering, is prohibited.
3. Washing of autos, trucks, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time upon the immediate premises of a commercial car wash. The use of water by all types of commercial car washes shall be reduced in volume by 50%. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
4. Filling, refilling or adding of water to swimming pools, spas, ponds and artificial lakes is prohibited.
5. Watering of all golf course area, except greens, is prohibited. Watering of parks, school grounds and recreation fields is prohibited with the exception of plant materials classified to be rare, exceptionally valuable, or essential to the well being of rare animals.

6. The use of water from fire hydrants shall be limited to fire fighting or related activities necessary to maintain the health, safety and welfare of the public.
7. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or sanitation hazards.
8. Restaurants shall not serve water to their customers except when specifically requested.
9. The operation of any ornamental fountain or similar structure is prohibited.
10. New construction meters or permits for unmetered service will not be issued. Construction water shall not be used for earth work or road construction purposes.
11. The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by 50%.
12. No water shall be used for air conditioning purposes.
13. All water leaks shall be immediately repaired.
14. Exceptions: The prohibited uses of water are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire and other similar emergency services.

SECTION 7. Mandatory Conservation Phase Implementation. The City shall monitor the projected supply and demand for water by its customers on a daily basis. The City Manager shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the City to prudently plan for and supply water to its customers. Thereafter, the City Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provision of this Ordinance. The declaration of any stage beyond STAGE 1 shall be made by public announcement and notice shall be published a minimum of three (3) consecutive times in a newspaper of general circulation. The stage designated shall become effective immediately upon announcement. The declaration of any stage beyond STAGE 1 shall be reported to the City Council at its next regular meeting. The City Council shall thereupon ratify the declaration, rescind the declaration, or direct the declaration of a different stage.

SECTION 8. Notice. Prior to enforcement, any person who is suspected of violating this Ordinance shall be given a written notice, with the description of the violation. Such person shall have 24 hours to correct such violation.

SECTION 9. Failure to Comply. For the first failure to comply, the City of La Habra shall issue to the customer a written notice of the fact of such failure to comply.

For the second failure to comply, the City of La Habra shall install, for a period not less than 48 hours and until the customer satisfies the City of La Habra that failure to comply will not continue, a flow restricting device in the customer's water service line. The charge for installing and removing the flow restricting device shall be \$35.00 and shall be paid by the customer prior to removal.

For the third or subsequent failure to comply with this Ordinance, the City of La Habra shall discontinue water service for a period of not less than 24 hours and until the customer satisfies the City that failure to comply will not continue. The customer shall pay \$70.00 for restoration of water service.

SECTION 10. Appeal Procedure. A customer shall have the right to appeal by filing a written request for appeal within five days with the City Manager or his designee. Within ten days after receipt of such a request, a written decision shall be issued. The decision of the City Manager or his designee shall be final.

SECTION 11. Severability. If any section, sub-section, clause or phrase in this Water Conservation Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of the Conservation Ordinance or the application of such provisions to other persons or circumstances shall not be affected.

PASSED, APPROVED AND ADOPTED this 1st day of May, 1990.

Approved: Beth Graham

BETH GRAHAM, MAYOR

Attest: Maria J. Ramo as Deputy
GAYLE GARBO, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA HABRA)

I, Gayle Garbo, City Clerk of the City of La Habra do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of La Habra held on the 17th day of April, 1990, and was finally passed at a regular meeting held on May 1, 1990.

meeting of the City Council of the City of La Habra held on the
1st day of May, 1990, by the following vote:

AYES: COUNCILMEMBERS: Mahoney, Flora, Bystry, Holmberg, Graham
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

Dated: May 1, 1990

Maria J. Ramon, as Deputy
Gayle Garbo, City Clerk

LR:ap/File: Ord9091\WtrCsv4